

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

APPLETON PAPERS INC. and
NCR CORPORATION,

Plaintiffs,

No. 08-C-00016

v.

GEORGE A. WHITING PAPER CO., et al.,

Defendants.

NCR CORPORATION,

Plaintiff,

No. 08-C-00895

v.

KIMBERLY-CLARK CORPORATION, et al.,

Defendants.

**ORDER REGARDING RESERVED CLAIMS
OF THE UNITED STATES OF AMERICA**

Based upon the “Stipulation Regarding Reserved Claims of the United States of America”, (the “Stipulation”), filed by the United States, **IT IS HEREBY ORDERED** as follows:

1. The United States need not assert the Reserved Claims in its responsive pleadings in the above-captioned actions any earlier than 30 days after the Court issues a new scheduling order after the completion of Phase I of the litigation.

2. The United States may assert the United States’ Reserved Claims, without leave of Court, during the pendency of the first phase of the litigation or within 30 days after the Court issues a new scheduling order after the completion of Phase I.

3. NCR and Menasha shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, merger and bar, claim-splitting, or other defenses based upon any contention that the Reserved Claims were or should have been brought in the United States' responsive pleadings in the above-captioned actions during the pendency of the first phase of the litigation or any earlier than 30 days after the Court issues a new scheduling order after the completion of Phase I. NCR and Menasha reserve the right to assert any such defense or claim with respect to any of the Reserved Claims that are first asserted more than 30 days after the Court issues a new scheduling order after the completion of Phase I.

Dated this 10th day of December, 2008.

s/ William C. Griesbach

William C. Griesbach
United States District Judge